

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wilbur	Team: Team # 3	CCRB Case #: 201111273	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/31/2011 12:05 AM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 2/28/2013	EO SOL 2/28/2013	
Date/Time CV Reported Wed, 08/31/2011 4:48 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 08/31/2011 4:48 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Robert Martinez	01369	922716	075 PCT
2. An officer			075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Gregg Minardi	04986	940475	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Robert Martinez	Abuse: Sgt. Robert Martinez stopped § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.SGT Robert Martinez	Abuse: Sgt. Robert Martinez authorized the search of § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	§ 87(2)(b)
D.SGT Robert Martinez	Discourtesy: Sgt. Robert Martinez spoke obscenely to § 87(2)(b)	§ 87(2)(b)

Synopsis

On August 31, 2011, § 87(2)(b) filed this complaint online with the Civilian Complaint Review Board (CCRB). § 87(2)(b) filed this complaint on behalf of herself and two individuals from her building, § 87(2)(b) and § 87(2)(b). § 87(2)(b) stated that § 87(2)(b)'s last name was § 87(2)(b) which is also a name that he goes by. However, the investigation determined that § 87(2)(b)'s proper last name is § 87(2)(b).

On August 31, 2011, at approximately 12:05 a.m., § 87(2)(b) was walking her dog inside of the courtyard of § 87(2)(b) in Brooklyn. § 87(2)(b) observed an unmarked black Impala drive up to § 87(2)(b) and § 87(2)(b). Officers in this vehicle allegedly verbally instructed them to stop (**Allegation A**). Three officers exited the vehicle. PO1 was described as a white male, 5'7" tall with a muscular build, PO2 as a white male, 5'4" tall with a muscular build, and PO3 as a white male, 6'0" tall with a muscular build. PO1 and PO2 remain unidentified. § 87(2)(b) identified PO3 as Sgt. Robert Martinez of the 75th Precinct as she had previously interacted with him and obtained his name. Sgt. Martinez told § 87(2)(b) to place his hands on top of the vehicle and Sgt. Martinez allegedly searched him (**Allegation B**). PO2 instructed § 87(2)(b) to place his hands on the vehicle and allegedly searched him (**within Allegation B**). PO2 removed all the items from § 87(2)(b)'s pocket and placed them on the roof of the vehicle. § 87(2)(b) approached the officers to ensure that police misconduct did not occur. PO2 asked § 87(2)(b) for § 87(2)(b)'s address, which she provided. PO2 asked § 87(2)(b) to step back twice, and each time § 87(2)(b) took one step backwards. The third time that PO2 told § 87(2)(b) to step back, he allegedly stated that if she did not do so, he would arrest her (**Allegation C**). § 87(2)(b) argued with PO2 with regards to the legality of the stop and the threat of arrest. Sgt. Martinez came over and allegedly told § 87(2)(b) to "shut the fuck up" (**Allegation D**). § 87(2)(b) walked away from the scene and observed § 87(2)(b) and § 87(2)(b) being placed into the police vehicle. According to the Bookings, Arraignments and Disposition System (BADS), neither § 87(2)(b) nor § 87(2)(b) were arrested, and the Stop, Question and Frisk reports filed for them indicated that they were each issued summonses for § 87(2)(b). PO Gregg Minardi of the 75th Precinct completed the Stop, Question and Frisk reports. According to the Electronic Database Management System (EDMS), he is a white male, 5'7" tall, 160 pound with black hair and brown eyes. § 87(2)(g)

On September 12, 2011, a first please call letter was mailed and emailed to § 87(2)(b). On September 12, 2011, the undersigned investigator spoke with § 87(2)(b). § 87(2)(b) provided a detailed statement of the incident, but was unable to provide a phone number for § 87(2)(b) or a last name or any contact information.

for § 87(2)(b) scheduled an appointment at the CCRB for September 21, 2011. On September 21, 2011, § 87(2)(b) did not arrive for her appointment, nor did she call prior to cancel or reschedule it. A missed appointment letter was mailed to § 87(2)(b) on that date, and a missed appointment letter was emailed to her on September 27, 2011. On September 27, 2011, and October 4, 2011, two voicemail messages were left for § 87(2)(b)

On September 20, 2011, a Lexis Nexis search was conducted for § 87(2)(b) and two addresses were found for him. On September 21, 2011, a please call letter was mailed to one address. On October 3, 2011, the letter mailed to § 87(2)(b) was returned by the United States Postal Service (USPS) as unable to forward. On October 4, 2011, a please call letter was mailed to § 87(2)(b)'s second address. On October 17, 2011, the second letter mailed to § 87(2)(b) was returned to the CCRB as "no mail receptacle."

On November 19, 2011, the Stop Question and Frisk reports were obtained for § 87(2)(b) and § 87(2)(b). These reports provided addresses for both individuals. On November 14, 2011, Lexis Nexis searches were conducted for both § 87(2)(b) and § 87(2)(b) based on the new information. New addresses were found for both individuals and a phone number was obtained for § 87(2)(b). On November 15, 2011, first please call letters were mailed to § 87(2)(b) and § 87(2)(b). On December 5, 2011, final please call letters were mailed to § 87(2)(b) and § 87(2)(b). On December 5, 2011, the undersigned investigator called § 87(2)(b) and determined that the phone number did not belong to him. A search of 411.com and Cole's Directory was negative for more information for either individual.

Neither of the letters mailed to § 87(2)(b) and § 87(2)(b) at their Lexis Nexis addresses, or § 87(2)(b) at the address she provided to the CCRB were returned by the USPS. A search of the New York City Department of Correction database, conducted on December 13, 2011, indicated that neither § 87(2)(b) nor § 87(2)(b) is currently incarcerated. As of December 13, 2011, neither § 87(2)(b) nor § 87(2)(b) have contacted the CCRB. § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date